REMARKS

[0001] The following paragraphs are numbered for ease of future reference. Entry of this Amendment is proper since no new issues are being raised which would require the Examiner's further consideration and/or search. Claims 2, 5-7, 10-11, 20, 22 and 29-32 are all the claims presently pending in this application. Claims 29 and 30 have been amended in response to the Examiner's 35 U.S.C. § 112, second paragraph rejection.

[0002] Applicant further respectfully submits that no new matter is added to the currently amended claims. Applicant respectfully traverses the rejections based on the following discussion.

I. REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

[0003] Claims 29 and 30 are rejected under 35 U.S.C. §112, second paragraph, as failing to set forth the subject matter which Applicant regards as their invention. Claims 29 and 30 have been amended in a manner believed fully responsive to all points raised by the Examiner. More specifically, claims 29 and 30 have changed accordingly:

[0004] 1) The language, "said client computer combines said multiple Ethernet packets of said request for storage into one jumbo packet," has been removed to conform with Applicant's Specification at paragraph [0040] that states, in part, "The virtualizer 110, 120 combines multiple standard Ethernet packets into one so-called "jumbo" packet that may comprise up to approximately 9,000 octets."

[0005] 2) The language, "said client computer sends said request for storage to a network address of a virtualizer, which is stored by said client computer, using Transmission Control

Protocol/Internet Protocol (TCP/IP) protocols," has been partially removed and moved to better follow the structure of the claim that later cites to the first instance of "a virtualizer."

[0006] 3) The language, "using Transmission Control Protocol/Internet Protocol (TCP/IP) protocols," has been moved and replaced with, "receives said request for storage from said client computer addressed to a network address of said virtualizer using one of a Network File System (NFS) protocol and a Common Internet File System (CIFS) protocol," to conform with Applicant's Specification at paragraph [0014] that states, in part, "The invention achieves this by allowing Network File System (NFS) or Common Internet File System (CIFS) access between clients and NAS computers with the communication virtualizer acting as the intermediary between the two, providing a virtual single interface for clients to access the resources of the NAS computers."

[0007] 4) The language, "combining said multiple Ethernet packets of said request for storage into one jumbo packet," has been added to the functionality of the "virtualizer" in accordance with the corresponding removal of the language as referenced in 1), above.

[0008] 5) The language, "TCP/IP protocols," has been replace with, "one of said NFS protocol and said CIFS protocol," consistent with the Specification at paragraph [0014] and corresponding to the language as referenced in 2), above.

[0009] 6) The language, "processes, at one time, said one jumbo packet of said request for storage according to said network attached store protocol," has been modified to conform with the amended language as referenced in 1), above.

[0010] 7) The language, "transmits a multiple packet response, to said virtualizer addressed to said client computer," has been amended to conform to Applicant's Specification at paragraph [0038] that states, in part, "Similarly, a response may comprise multiple packets. In a preferred

embodiment, each packet comprising a response identifies the client 190, 200, 210 to which the response should be delivered."

[0011] 8) The language, "packetizes said single response, and sends said single response to said virtualizer," has been removed to conform to Applicant's Specification at paragraph [0038] that states, in part, "When processing a multiple packet response, steps 8-11 of Figure 3 are followed, except that steps 8-10 are redirected to response packet processing (rather than [request] processing), and step 11 includes re-assembling the multiple response packets into a single response."

[0012] 9) The language, "receives said multiple packet response from said single network attached store computer," and "re-assembles all of said multiple packets of said response into a single response," has been added and moved to conform with Applicant's Specification at paragraph [0038] that states, in part, "Upon receiving a packet comprising a response, a virtualizer 110, 120 forwards the packet to the client 190, 200, 210," and "When processing a multiple packet response, steps 8-11 of Figure 3 are followed, except that steps 8-10 are redirected to response packet processing (rather than response processing), and step 11 includes re-assembling the multiple response packets into a single response."

[0013] In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

II. THE PRIOR ART REJECTION

The 35 U.S.C. § 103(a) Rejection over Miloushev further in view of Miloushev and Kajizaki

[0014] Claims 2, 5-7, 10-11, 20, 22 and 29-32 stand rejected under 35 U.S.C. §103(a) as being

unpatentable over Miloushev et al., U.S. Pat. App. Pub. No. 2002/0120763, (hereinafter "Miloushev"), further in view of Miloushev et al., U.S. Pat. No. 7,512,673 further in view of d Kajizaki et al., U.S. Pat. No. 7,274,711, (hereinafter "Miloushev '673" and "Kajizaki").

[0015] The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Miloushev with the teaching from Miloushev '673 and Kajizaki to form the invention of claims 2, 5-7, 10-11, 20, 22 and 29-32. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

[0016] Applicant traverses the Examiner's rejection since, among other reasons, Miloushev is directed toward a file switch (100) that does not wait to receive all frames of a message before forwarding it to the server to avoid introducing unacceptable latency on multi-frame file protocol transactions. Meanwhile, while Applicant's claimed invention is directed toward a client computer that packetizes a request for storage from the client application as multiple standard Ethernet packets, each of the multiple Ethernet packets including a unique request identifier corresponding to the request for storage, a virtualizer that receives the request for storage from the client computer addressed to a network address of the virtualizer, and a single network attached store computer that processes, at one time, a jumbo packet of the request for storage according to the network attached store protocol.

[0017] More specifically, Applicant submits, that neither Miloushev, nor Miloushev '673 and Kajizaki, nor any alleged combination thereof, teaches or suggests:

"*a client computer, running a client application, connected to an external communications network, wherein said client computer packetizes a request for storage from said client application as multiple standard Ethernet packets, <u>each of said multiple Ethernet</u>*

packets including a unique request identifier corresponding to said request for storage,"

"*wherein said virtualizer...receives said request for storage from said client computer addressed to a network address of said virtualizer*,"

"*processes, at one time, said one jumbo packet of said request for storage according to said network attached store protocol*," according to Applicant's independent claim 29, and similarly,

"*packetizing, by said client computer, said request for storage as multiple standard Ethernet packets, each of said multiple standard Ethernet packets comprising said request for storage include a unique request identifier corresponding to said request for storage*,"

"*sending, by said client computer, said request for storage to a network address of a virtualizer*,"

"*processing at one time, by said single network attached store, said one jumbo packet of said request for storage according to said network attached store protocol*," according to Applicant's independent claim 30.

[0018] The Examiner on page 5 of the After-Final Office Action alleges that Miloushev discloses, "processes, at one time, said request for storage according to said network attached store protocol (Miloushev, [0143]);" (Emphasis added.)

[0019] However, Miloushev clearly discloses at paragraph [0136] that the file switch 100 does not send a single aggregated message to the server, but sends out each frame as it is received:

> Unlike an available file server, the inventive file switch is an intermediate node with respect to most file protocol transactions. This means that the switch does not handle those transactions internally but, instead, examines the requests such as 205, optionally modifies request headers such as 200, and forwards the message to a file server. Because of this, the file switch preferably does not wait to receive all frames of a message such as 205 before forwarding it to the server. This allows the file switch to avoid introducing unacceptable latency on multi-frame file protocol transactions, such as 208. (Emphasis

added.)

[0020] Therefore, Miloushev clearly teaches away from Applicant's claimed invention of, "*processes, at one time, said one jumbo packet of said request for storage according to said network attached store protocol*," according to Applicant's independent claim 29, and similarly, "*processing at one time, by said single network attached store, said one jumbo packet of said request for storage according to said network attached store protocol*," according to Applicant's independent claim 30.

[0021] The Examiner on the bottom of page 6 of the After-Final Office Action admits that "Miloushev did not explicitly disclose said client computer packetizes a request for storage from said client application as multiple standard Ethernets, each of said multiple Ethernet packets including a unique request identifier corresponding to said request for storage; said client computer sends said request for storage to a network address of a virtualizer, which is stored by said client computer, using Transmissin [sic] Control Protocol/Internet Protocol (TCP/IP) protocols".

[0022] However, the Examiner alleges that "[r]egarding "reassembling/combining Ethernet packets by considering the change in the Maximum Transmission Unit (MTU) of a transmission path", Kajizaki has detailed disclosure on why and how it is done (Kajizaki, "Abstract" and "Summary of Invention").

[0023] However, Kajizaki fails to teach or suggest, and the Examiner fails to address with respect to any cited prior art Applicant's claim limitations of:

"*a client computer, running a client application, connected to an external communications network, wherein said client computer packetizes a request for storage from said client application as multiple standard Ethernet packets, each of said multiple Ethernet*

packets including a unique request identifier corresponding to said request for storage," and "*wherein said virtualizer...receives said request for storage from said client computer addressed to a network address of said virtualizer*," according to Applicant's independent claim 29, and similarly,

"*packetizing, by said client computer, said request for storage as multiple standard Ethernet packets, each of said multiple standard Ethernet packets comprising said request for storage include a unique request identifier corresponding to said request for storage*," and "*sending, by said client computer, said request for storage to a network address of a virtualizer*," according to Applicant's independent claim 30.

[0024] Nowhere does Miloushev '673 nor Kajizaki disclose any *packets including a unique request identifier corresponding to said request for storage* and *a virtualizer...that receives a request for storage from a client computer addressed to a network address of said virtualizer*. Therefore, Miloushev '673 and Kajizaki fails to overcome the deficiencies of Miloushev.

[0025] In summary, Miloushev is directed toward a file switch (100) that does not wait to receive all frames of a message before forwarding it to the server to avoid introducing unacceptable latency on multi-frame file protocol transactions. Meanwhile, while Applicant's claimed invention is directed toward *a client computer that packetizes a request for storage from the client application as multiple standard Ethernet packets, each of the multiple Ethernet packets including a unique request identifier corresponding to the request for storage*, a *virtualizer that receives the request for storage from the client computer addressed to a network address of the virtualizer*, and a single network attached store computer that *processes, at one time, a jumbo packet of the request for storage according to the network attached store protocol.*

[0026] Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this

rejection since the alleged prior art references to Miloushev and Miloushev '673 and Kajizaki (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

III. FORMAL MATTERS AND CONCLUSION

[0027] In view of the foregoing, Applicant submits that claims 2, 5-7, 10-11, 20, 22 and 29-32, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

[0028] Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic interview.

[0029] The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 09-0441.

Respectfully Submitted,

Date: November 25, 2009

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